

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

S4 07 CR. 387 (CM)

JORGE CEDENO,

Defendant.

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PROPOSED JURY SELECTION QUESTIONS

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Attorneys for Defendant JORGE CEDENO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
- against-	:	
	:	07 Cr. 387 (CM)
JORGE CEDENO,	:	
	:	
Defendant.	:	
	:	
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DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

The defendant respectfully submits the following questions to be asked of prospective jurors on voir dire:

PRELIMINARY MATTERS

1. After jury selection, the trial in this case is expected to start immediately and conclude within ____ weeks. The jury ordinarily will come to court Monday through Friday during each week the jury hears evidence, although there will be some weeks in which the schedule will be different. If selected as a juror is there anything about the expected trial dates that would cause you to be unable to serve? If yes, please explain.
2. Do you have any medical condition that would make it difficult for you to serve as a juror?
3. Do you have any problem with your hearing or vision that would prevent you from giving attention to all of the evidence at this trial? If yes, please explain.
4. Do you have any difficulty in understanding, speaking, or reading English? If yes, please explain.

BACKGROUND

5. How old are you?
6. What is your current marital status?
7. Do you have children? How many?
8. If you have children, please provide the following information (sex, age, education, and occupation).
9. Do you have any adult grandchildren that are employed? How many?

RESIDENCE

10. How long have you lived at your current address?
11. In what other cities, towns, or areas have you maintained your residence for the past five years and when did you live there? (Please note if these places are in another state or country.)
12. How many adults do you live with and for whom do they work?

EDUCATION

13. How far did you go in school?
14. Have you or your spouse/partner ever had any training in the law? If yes, who had the training and what kind of training was it?

EMPLOYMENT

15. What is your occupational status?
16. Where do you work now? Describe what you do.
17. How long have you worked there?
18. What were **your** jobs for the last five years, beginning with the most recent.
20. What is/was your father's occupation?
21. What is/was your mother's occupation?
22. What is/was your spouse's and adult children's occupation?

ACTIVITIES

23. What are your leisure time interests and activities?

MILITARY

24. Have you or any close friends or members of your family ever been in the United States Military (including the military reserves, National Guard or ROTC)? If yes, who and what branch, rank, and dates of service.
25. Did you receive an honorable discharge? If no, please explain.

LAW ENFORCEMENT OR LEGAL CONTACTS

26. Have you, a friend or any family members ever been employed in law enforcement or had law enforcement experience of any kind? Examples: police, sheriff, security guard, FBI, Customs, investigator, District Attorney, United States Attorney, probation officer, prison or jail employees, etc. If yes, please identify the relationship of the person and the type of organization.

27. Have you had a good or bad experience with any police officer, law enforcement agency or any prosecutor's office? If yes, please explain.
28. Do you generally believe that a law enforcement officer testifying as a witness in a case is no different from other witnesses or more or less likely to tell the truth?
29. Have you or any friend or family member ever belonged to a neighborhood crime watch program, auxiliary or police reserve law enforcement branch, or in any way supported a crime stoppers group or volunteered to help the police? If yes, what is/was the extent of your/their participation?
30. Have you or any friend or member of your family ever belonged to a (crime) victim's rights organization, or supported the work of such an organization or volunteered to help a law enforcement agency? If yes, what is/was the extent of your or their participation?
31. Have you or any close member of your family or close friends ever been audited by, had a dispute with, or been a party to any legal action with any agency or department of the United States Government (including the IRS, Social Security Administration, Veterans Administration, etc.) or any city or state government agency? If yes, briefly explain what happened. If yes, do you think you, your family member, or close friends were treated fairly?
32. Do you have any relatives or friends who are employed in the court system as judges, magistrates, law clerks, clerks or other court personnel? If yes, please explain.
33. Do you have any relatives or close friends who are private criminal defense attorneys, public defenders, legal aid lawyers, or anyone involved in criminal defense work? If yes, please explain.
34. Have you, any of your close family members or close personal friends ever been employed or volunteered in any aspect of criminal defense work, at a public defender's office, a legal aid office, or with a related support or advocacy group? If yes, please explain.
35. Do you have any relatives or close friends who are District Attorneys, Assistant District Attorneys, U.S. Attorneys, or Assistant U.S. Attorneys, or any other type of prosecutor? If yes, please explain.

36. Have you, or has anyone in your family, ever sued or been sued by anyone? If sued or been sued, please explain the nature of the lawsuit.
37. Have you or has any close friend or relative, been the victim of, or witness to, any kind of crime, whether it was reported to law enforcement authorities or not (including fraud, theft, etc.)? If yes, please provide the following information for each incident:

Type of crime:

- (1) Who was the victim or witness?
- (2) What was the relationship between the victim/witness and the perpetrator?
- (3) Was the crime reported to the police? By whom?
- (4) Was anyone charged? Was he/she arrested?
- (5) What was the outcome of the prosecution?
- (6) Were you satisfied with the way the case was handled?

38. Have you or has any close friend or relative, been charged with a crime? If yes, please provide the following information for each incident:

Type of crime:

- (1) Who was the victim?
- (2) What was the outcome of the prosecution?
- (3) Were you satisfied with the way the case was handled?

39. Have you ever had to appear in court, or in any court or grand jury proceeding, as a plaintiff, defendant, victim, or witness for any reason other than you have indicated above? If yes, please state when and explain why.

JURY SERVICE AND THE LAW

40. Have you ever served on a jury? If yes, please state, for each case.

If you have been a juror in the past, please provide the following information. Year, civil or criminal, charges or type of case, was a verdict reached (without stating what the verdict was).

41. Have you ever served on a grand jury? If yes, please state when, where and for how long you served on a grand jury.
42. If you have served on a jury or grand jury before, is there anything about your past service that would make it difficult for you to sit as a juror in this case? If yes, please

explain.

NATURE OF THE CASE AND CONTACT WITH PARTIES AND WITNESSES

43. In this case the Government has charged the defendant with the crimes of conspiracy, armed robbery, kidnapping and weapons possession. Each of the defendants denies that he committed these crimes. Have you heard anything about this case or these charges before coming to Court today? If yes, please explain.
44. Is there anything about the nature of the charges that would make it difficult for you to be fair and impartial in this case? Please explain.
45. The alleged victims in this case are truck drivers: Pedro Ruiz and Jorge Palacio who worked for Triangle Worldwide; Frank Karzenowski who worked for Shark Lines; and Matthew Belcher who worked for Harris Transport. Have you ever heard of these individuals or their companies? Among the products allegedly stolen was perfume manufactured by the Estee Lauder company. Do any of you have any connection to Estee Lauder?
46. Are you involved in any way in the trucking industry or do you have any relatives or close friends who are? If so, what is that involvement?
47. Rafael Rodriguez is represented by his attorney Paul Rinaldo of the law firm Grossman & Rinaldo. Angel Diaz is represented by his attorney George Fufidio of the law firm Mancuso, Rubin & Fufidio. Victor Diaz is represented by his attorney Michael Burke of the law firm Burke, Miele & Golden. Jorge Cedenno is represented by his attorney Clinton Calhoun of the law firm Briccetti, Calhoun & Lawrence. Have you had any contact with any of the defendants, any of the attorneys, or any of the attorneys' law practices? If so, please explain.
48. Have you ever met either of the Assistant United States Attorneys in this case, Nola Heller or Michael Levy? Do you know anyone in their office or have any business in their office, now or in the past?
49. Have you ever met me, Judge Colleen McMahon? If so, please explain.

CONCLUSION

50. Is there any reason you have not already disclosed that you think would make it difficult for you to be fair and impartial in this case if you are selected as a juror? Is there anything else that you want to bring to my attention that bears on your service as a juror?
51. Is there any matter you would prefer to discuss privately with the judge? If yes, please generally explain the subject matter.

Dated: White Plains, New York
May 27, 2008

Respectfully submitted,

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cc: A.U.S.A. Nola Heller / Michael Levy